

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1926.02
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	May 31, 2002
DATE OF REPORT:	June 27, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	August 16, 2002

COMPLAINT ISSUES:

Whether the Batesville Community School Corporation and the Ripley-Ohio-Dearborn Special Education Cooperative violated:

511 IAC 7-25-5(a) by failing to provide the parent, upon the parent's request, with information about where an independent educational evaluation may be obtained and the school's criteria applicable to independent evaluations.

511 IAC 7-27-4(c) by failing to ensure the case conference committee (CCC) considered the results of the most recent evaluation and other assessment of the student.

511 IAC 7-22-1(d) by failing to provide the parent with a copy of the *Notice of Procedural Safeguards* at the time the school notified the parent of the CCC meeting.¹

511 IAC 7-24-4(b) by failing to take whatever action is necessary to ensure the parent understands the proceedings of the CCC meeting.

FINDINGS OF FACT:

1. The student is eleven years old, has just completed grade four, and qualifies for special education and related services under the eligibility category of learning disability.
2. The Complainant contends that he requested a list of doctors that the school used for independent evaluations but was told by the Director that the school had no list. He also contends that the school failed to provide him, upon request, with the school's criteria applicable to independent evaluations, but he cannot provide dates for the phone calls to the school for these requests.
3. The Director acknowledges that she spoke with the Complainant about the IEE the Complainant had scheduled, but she does not recall a request for information on other independent evaluators. At the time of the Director's contact with the Complainant, the Complainant had already scheduled the IEE. A letter to the Complainant dated June 27, 2001, referred to a phone call of June 22, 2001, in which the Complainant reported that he had already set up an appointment with the children's hospital to provide the IEE, and the school confirmed that they would pay for an IEE. The letter also stated that the school's criteria for IEEs were enclosed.

¹ The Complainant withdrew this allegation during the course of the investigation.

4. The Complainant contends that the CCC refused to consider the findings of the IEE that the student has Asperger's Syndrome because the school representatives did not agree to change the student's eligibility from the learning disability category. At the meeting on May 22, 2002, the CCC reviewed the IEE information and diagnosis from the children's hospital, dated March 19, 2002. Based on the criteria for an educational evaluation, the school staff recommended retaining the student's determined current category of learning disability, and the CCC Summary documents that the CCC discussed the IEE conducted by the children's hospital.
5. In the CCC meeting of May 22, the Complainant contends the school failed to take whatever action is necessary to ensure that he understood the proceedings of the CCC meeting. The Complainant asserts that when he disagreed with the school's recommendation that the student's eligibility category would remain unchanged, he was given the option to submit a written response of disagreement to be attached to the IEP. The Complainant asserts that the school should have told him that he had the option of mediation to resolve the disagreement with the school regarding eligibility category.
6. The school provided the Complainant with a copy of the *Notice of Procedural Safeguards* prior to the CCC meeting. The Complainant signed the IEP beside the statement that he had received a verbal and written explanation of parent's rights. There is no documentation to indicate that the Complainant did not understand the CCC proceedings. The Complainant has exercised his right to submit a written opinion to the CCC Summary/IEP and has declined to consent to the proposed IEP.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that there is no record of the Complainant making a request as to where an IEE could be obtained. The school's criteria applicable to independent evaluations was included in the Director's letter approving payment for the IEE, written 5 days after the Complainant informed the school that he had scheduled the IEE. Therefore, no violation of 511 IAC 7-25-5(a) is found.
2. Finding of Fact #4 indicates that the CCC did consider the results of other assessments of the student when they discussed the recommendations from the IEE in the CCC meeting. The CCC is under no obligation to accept the recommendations of independent evaluations, only to consider them along with other information provided from various sources. Therefore, no violation of 511 IAC 7-27-4(c) is found.
3. Findings of Fact #5 and #6 indicate that the school attempted to ensure the parent understood the proceedings of the CCC meeting by providing a copy of the *Notice of Procedural Safeguards*, and by providing information during the CCC meeting, including specific information to meet the needs of the Complainant regarding his right to attach a written opinion to the IEP/CCC Summary. There is no indication that the Complainant failed to understand the CCC proceedings. Therefore, no violation of 511 IAC 7-24-4(b) is found.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.